

Before the
Federal Communications Commission
WASHINGTON, D.C. 20554

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MAR 27 1995

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In the Matter of

Elehue Kawika Freemon and
Lucille Freemon
Complainants,

DOCKET FILE COPY ORIGINAL

v

CC Docket No. 94-89
File No. E-90-393

American Telephone and Telegraph Company
Defendant.

Request for Participation

Under section 1.225 (a), (b), (c) of 47 CFR ch.1, I, Evelyn Freemon formally request participation in the hearing/appeal in the above said caption.

To the Federal Communication Commission,

1. I have read the Initial Decision of Administrative Law Judge Walter C. Miller (ID) pertaining to this case supporting pleadings, opinions, order(s). It appears to be written in a biased array of invalid allegations. The comments and personal opinions of Judge Miller appear to have nothing to do with the basis of this case. Many of the comments are unwarranted and are unproven by Judge Miller. I've always been taught to believe that a decision made by the court was established through facts and the written laws of this Country, not the biased opinion of one man. There are several things which have been written in Judge Miller's Initial Decision that I would like to bring out:

2.. I am a secretary with a reputable company. I work with people who have degrees in Engineering, Business Administration, Juris Doctorate, Human Resources, etc. I have the responsibility of reading, revising and specifically making sure there are no spelling or grammatical errors in any correspondence.

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3. There hasn't been one supervisor in my office who does not rely on my expertise as a secretary to make sure correspondence is well written. The misspelled words and the grammatical errors are horrendous; and, these are people who have been in college four or more years. For example, see Judge Miller's misspelled words ID, par. 27 "positiony" and ID, par. 34 "Zelnikov". Are we to assume from this that Judge Miller's alleged completion of college is contentious on his part?, see ID, footnote 5.
4. The comments and allegation that Judge Miller made ID, Footnote 5 are unwarranted.
5. ID, 12 through 16, my mother, Lucille Freemon has been a party to this case from the beginning. Judge Miller, again, has no basis for his comments and they should be dismissed. My brother has tried to assist my mother by keeping her up-to-date regarding the case, which was difficult because of her Alzheimer's disease and where he resides.
6. A letter was given to Judge Miller from a reputable doctor stating that my mother was under his care for Alzheimer's Disease. To have Judge Miller, who has never met my mother to assume that my brother was lying is simply incredible. Not only that, to have the doctor's letter dismissed without a substantiated reason is unjustly unheard of in a court of law. I believe Judge Miller's credentials, as a medical doctor should be presented and his diagnosis of an unseen patient should be made clear to the commission. See TR page 320, line 12 through page 321, line 23; pages 331, line 18 through pages 333, line 25.
7. Moreover, stated in TR page 337, line 16 through 20 demonstrates the validity of her doctor's note to the court. I was not waiting downstairs for my mother during the deposition. As a matter of fact, I was against her going because of the anxiety attacks which readily occur in people with Alzheimer's, especially in unfamiliar surroundings. Therefore, I refused to participate in this deposition. See TR page 336, line 14 through 25.
8. If proof is needed, I can show that I was at work from 6:30 a.m. to 5:00 p.m. the day of the deposition.

9. ID, 18 states "Elehue Freemon obviously believed that his chances of receiving a favorable cash damage award from the FCC would be enhanced if a "Black" female were one of the complainants." This statement is insulting and untrue, not only that, it shows the personality and disposition of Judge Miller's mind. The fact is, and it can be proven that my mother is not "Black". This statement shows the prejudiced mind of the court.

Conclusion

10. In conclusion, the comments made in the Initial Decision of Administrative Law Judge Walter C. Miller (ID) appears to have no foundation as to the credibility of Elehue K. Freemon or Lucille K Freemon. The final outcome is not the most important part of this case; but, the unprejudiced decision of the court based upon the evidence shown should surely be the most equitable and fair way to bring this case to its conclusion.


EVELYN L. FREEMON

March 13, 1995

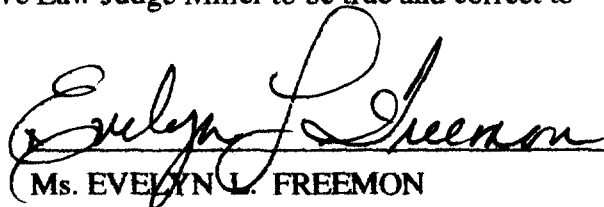
STATE OF CALIFORNIA)

: ss.:

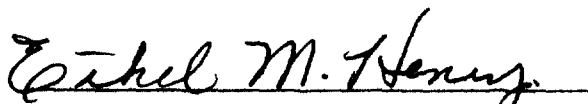
COUNTY OF LOS ANGELES)

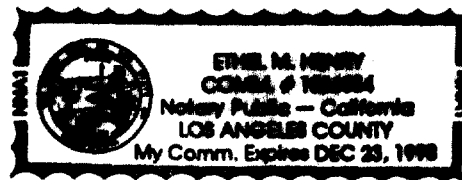
I, EVELYN L. FREEMON, being duly sworn deposes and says:

I hereby swear that the forgoing "Request for Participation" presented herewith under the provisions of the Federal Administrative Procedure Act CFR 1.225 (a), (b), (c) of CFR ch.1 and under the of Administrative Law Judge Miller to be true and correct to the best of my knowledge and belief.


Ms. EVELYN L. FREEMON

Sworn to before me this 13th day of March 1995


Notary Public Signature



Notary Seal

March 13, 1995
Date

Certificate of Service

I, Dr. Gisela Spieler, hereby certify that a true copy of the foregoing "Request for Participation, March 13, 1995" was served on the March 22, 1995 by U.S. mail, postage prepaid upon the parties listed below:

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Dr. Gisela Spieler